



K. Chad Burgess  
Associate General Counsel

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August 26, 2011

**VIA ELECTRONIC FILING**

The Honorable Jocelyn G. Boyd  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Drive  
Columbia, South Carolina 29210

RE: Application of Global Energy Franchise for Special Contract Approval for Solar  
Services Agreement  
Docket No. 2011-339-E

Dear Ms. Boyd:

Enclosed for filing on behalf of South Carolina Electric & Gas Company is a Petition to Intervene in the above captioned matter.

By copy of this letter, we are also serving the other parties of record with a copy of the enclosed Petition and attach a certificate of service to that effect.

If you have any questions, please advise.

Very truly yours,

K. Chad Burgess

KCB/kms  
Enclosure

cc: Len S. Anthony, Esquire  
Christopher Jones  
Florence P. Belser, Esquire  
Nanette S. Edwards, Esquire  
John W. Flitter  
(all via U.S. First Class Mail)

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2011-339-E**

IN RE:

Application of Global Energy	)	
Franchise for Special Contract	)	
Approval for Solar Services	)	
Agreement.	)	
<hr/>		
	)	<b>PETITION TO INTERVENE OF</b>
		<b>SOUTH CAROLINA ELECTRIC</b>
		<b>&amp; GAS COMPANY</b>

South Carolina Electric & Gas Company ("SCE&G" or "Company") hereby files with the Public Service Commission of South Carolina ("Commission") this Petition, pursuant to 26 S.C. Code Ann. Regs. 103-825 (1976, as amended), and other applicable provisions of the Commission's Rules of Practice and Procedure, for permission to intervene in the above-captioned proceeding.

In support of this Petition, SCE&G respectfully would show unto the Commission the following key facts and would request and petition the Commission for the following relief:

1. SCE&G is a corporation organized and existing under the laws of the State of South Carolina and is headquartered in Cayce, South Carolina. As a public utility, SCE&G is subject to the regulatory authority of the Commission pursuant to Title 58 of the Code of Laws of South Carolina. More specifically, SCE&G is an electrical utility engaged in the generation, transmission, distribution, and sale of electricity to the public for compensation. SCE&G operates

an integrated electric utility system that serves over 660,000 customers in 24 counties covering nearly 17,000 square miles in central, southern and southwestern portions of South Carolina.

2. In addition to the generation, transmission, distribution, and sale of electricity to the public, SCE&G is also a natural gas distribution utility engaged in the distribution and sale of natural gas to the public for compensation. SCE&G serves over 313,000 natural gas customers in 35 counties covering approximately 22,600 square miles.

3. By Application dated August 16, 2011, Global Energy Franchise ("Global" or "Applicant") has requested permission to install, own, and operate solar photovoltaic systems on rooftops of facilities operated by governmental and nonprofit entities ("Customers") in South Carolina. These solar panels will be interconnected with the electric grid, and they will furnish electric current to be resold and used by others. See S.C. Code Ann. § 58-27-10(7) (1976, as amended).

4. Under the terms of its "Solar Services Agreement" Global will be compensated for installing and operating the solar panels through tax credits and incentives, as well as regular payments to Global from its Customers "in relation to the amount of electricity the [Customer's solar panel] system produces."

5. South Carolina Code § 58-27-10(7) defines an "electrical utility" as anyone "owning or operating in this State equipment or facilities for generating, transmitting, delivering, or furnishing electricity . . . to or for the public for compensation."

6. By installing, owning and operating generating assets in South Carolina and providing electricity to Customers for compensation and for resale to the grid, Global is an "electrical utility" as defined by § 58-27-10(7).

7. Accordingly, the laws of the State of South Carolina require that Global obtain a certificate of public convenience and necessity from the Commission before commencing operations as an electrical utility. In issuing such a certificate, the Commission may determine the terms under which Global may conduct business in South Carolina. *See* S.C. Code Ann. § 58-27-1230 (1976, as amended).

8. Under S.C. Code Ann. § 58-27-660 (1976, as amended), an electrical utility may not provide service to customers or connect facilities to customers within the assigned service territory of another electric supplier without first obtaining that supplier's consent.

9. The Commission should require Global to demonstrate how it will comply with these laws before Global receives a certificate of public convenience and necessity.

10. In light of the important regulatory policy issues raised by Global's business and operations, the Commission should set this matter for a full evidentiary hearing after giving the parties reasonable time for discovery as to Global's business model and operating plans.

11. SCE&G has a substantial and material interest in the subject matter of the above-captioned proceeding, in that the subject matter of Applicant's application will directly impact SCE&G. SCE&G's interests are directly affected by

the outcome of this proceeding and cannot be adequately represented by any other party. Accordingly, SCE&G submits that good cause exists for the Commission to grant the relief requested herein and allow the Company to participate as a party in the above-captioned proceeding.

12. SCE&G has not developed a final position in this matter, but reserves the right to modify, amend or expand any position the Company develops during the course of this proceeding, including any position espoused herein.

13. Corporate legal counsel for SCE&G in this proceeding are as follows:

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Associate General Counsel  
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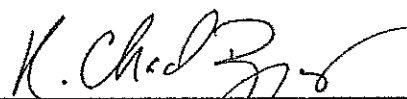
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All correspondence and any other matters relative to this proceeding should be addressed to SCE&G's authorized representatives as stated hereinabove.

WHEREFORE, having set forth its Petition, SCE&G respectfully requests that the Commission issue an order (i) granting the Company's request to intervene in this matter and participate fully in the Docket and any hearing to be scheduled in this matter, (ii) granting SCE&G all rights attendant to intervenor status, including the right to be provided copies of all filings, pleadings, testimony, and

exhibits, (iii) scheduling a full evidentiary hearing in this matter, and (iv) granting such other and further relief as is just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "K. Chad Burgess", written over a horizontal line.

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Attorneys for South Carolina  
Electric & Gas Company

Cayce, South Carolina  
August 26, 2011

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2011-339-E**

IN RE:

Application of Global Energy Franchise	)	
for Special Contract Approval for	)	<b>CERTIFICATE OF</b>
Solar Services Agreement	)	<b>SERVICE</b>
_____	)	

This is the certify that I have caused to be served this day one (1) copy of  
**SCE&G's Petition to Intervene** via U.S. First Class Mail to the persons named below  
at the address set forth:

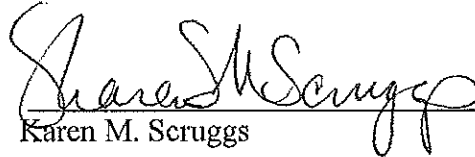
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Karen M. Scruggs

Columbia, South Carolina  
This 26th day of August 2011